



OHIO AUDITOR OF STATE  
**KEITH FABER**





VILLAGE OF POMEROY  
MEIGS COUNTY

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# OHIO AUDITOR OF STATE KEITH FABER



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Village of Pomeroy  
Meigs County  
660 East Main Street  
Pomeroy, OH 45769

To the Village Council:

## **Background**

The Auditor of State, Special Investigations Unit (SIU) conducted a criminal investigation and special audit of the Village of Pomeroy (the Village) predicated on monies missing from the Village's Mayor's Court.

The investigation began in June 2017, after SIU received a noteworthy memorandum from the Auditor of State Southeast Region. Prior to the start of the Village's regular financial audit, Village officials shared concerns with the Southeast Region audit team regarding potential theft of funds from the Village's Mayor's Court by the former Court Clerk, Denessa Stewart.

When Ms. Stewart stopped showing up for work, the Fiscal Officer completed a preliminary comparison of the amounts collected for Mayor's Court per the Village's Baldwin court case system to the amounts deposited into the Mayor's Court bank account and noticed shortages.

When SIU met with Village officials to discuss the investigation into Ms. Stewart, the Village informed SIU of a subsequent theft committed by former Dispatcher Cathy Justis. The Village became aware three individuals had received Failure to Appear notices but had receipts showing they had paid cash for their fines. Village officials reviewed security footage from the dates the fines were paid and noted Ms. Justis collecting the money, but not placing the collections in the drop-box.

Based on the noteworthy information, a preliminary review of records, and interviews that were conducted, a special audit was declared by the Auditor of State.

This engagement was conducted in accordance with the [Auditor of State Special Investigations Unit, Quality Standards](#).

## **Suspects**

Denessa Stewart was hired by the Village in August 2016 as Mayor's Court Clerk. Ms. Stewart stopped showing up for work in May 2017.

Cathy Justis was hired by the Village in February 2017 as a Dispatcher in the Village's Police Department. In August 2017, the Village stopped scheduling Ms. Justis to work as a Dispatcher; Ms. Justis was never officially terminated by the Village. She passed away in December 2022.

## **Schemes**

As Mayor's Court Clerk, Ms. Stewart was responsible for collecting all Mayor's Court receipts entered by Village Dispatchers, preparing the bank deposit, depositing the funds, and preparing a report of collections with amounts due to the state and Village and forwarding the report to the Village Fiscal Officer. It was found Ms. Stewart was not depositing the monies timely, sometimes only once or twice a month. In addition, Ms. Stewart was not providing the required reports to the Fiscal Officer in order to distribute the Mayor's Court collections as required by law.

SIU was unable to obtain necessary records to complete a full forensic audit over Mayor's Court collections for the period August 2016 through August 2017 (the Period). Mayor's Court records were in disarray and incomplete and attempts to obtain complete and accurate records from a third party credit card processing company were unsuccessful. However, we were able to review the Baldwin system reports for the period of Ms. Stewart's employment (August 2016 through May 2017) and compared the reports to the Mayor's Court bank records. We identified a total of \$32,292 collected but not deposited.

Ms. Stewart was not the only person who mishandled Mayor's Court receipts. As a Dispatcher, Ms. Justis would collect Mayor's Court payments and record the transaction in the Baldwin system (in addition to her duties for the Police Department). The Village's policy at the time was once the money was collected for Mayor's Court and a receipt was provided to the individual, the Dispatcher would place the money in an envelope and place the envelope in a locked drop-box for the Mayor's Court Clerk to empty and deposit at the bank.

SIU obtained the Failure to Appear notices and receipt of payment for the three individuals and noted the payments totaling \$465 were made in cash at the end of July and beginning of August 2017, all collected by Ms. Justis. Security footage went missing showing Ms. Justis not depositing the three cash payments into the lockbox prior to SIU being able to obtain a copy for review. Despite the missing footage, SIU was in the process of seeking criminal charges regarding these missing payments when learning of Ms. Justis' recent passing.

### **Findings**

Based on the special audit procedures and investigation, the Auditor of State confirmed the allegation that Denessa Stewart collected funds for Mayor's Court which went unaccounted for over a span of seven months. We further confirmed Cathy Justis collected cash for Mayor's Court which went unaccounted for over the course of one month. However, we were unable to present a prosecution packet to the Meigs County Prosecutor due to insufficient evidence to support criminal charges related to Ms. Stewart and the passing of Ms. Justis.

We issued a \$32,757 finding for recovery for funds collected but unaccounted for during the Period.

The full details of the finding for recovery are located in the Appendix.

On July 5, 2023, we held an exit conference with the following individuals representing the Village:

Don Anderson, Mayor  
Brooke See, Mayor's Court Clerk

Susan Baker, Assistant Fiscal Officer

The attendees were informed they had five business days to respond to this special audit report. A response was not received from the Village.



Keith Faber  
Auditor of State  
Columbus, Ohio

June 5, 2023



**APPENDIX**  
**SCHEDULE OF FINDING FOR RECOVERY**

# APPENDIX

## FINDING FOR RECOVERY – MAYOR’S COURT RECEIPTS

**Ohio Rev. Code § 733.40** states, in part, all fines, forfeitures, and costs in ordinance cases and all fees that are collected by the mayor, that in any manner come into the mayor’s hands, or that are due the mayor or a marshal, chief of police, or other officer of the municipal corporation...shall be paid by the mayor into the treasury of the municipal corporation on the first Monday of each month. At the first regular meeting of the legislative authority each month, the mayor shall submit a full statement of all money received, from whom and for what purposes received, and when paid into the treasury.

**Ohio Admin. Code § 117-2-01(A)** states, in part, all public officials are responsible for the design and operation of a system of internal control that is adequate to provide reasonable assurance for the safeguarding of public funds.

During the Period, we noted the following related to Mayor’s Court receipts:

- A comparison of the Mayor’s Court Baldwin system receipts to the Mayor’s Court bank records shows \$32,292 collected but not deposited by Ms. Stewart.
- Ms. Justis collected three fines totaling \$465, which were not deposited or recorded in the Baldwin system.

Under Ohio law, public officials are strictly liable for all public money received or collected by them or their subordinates under color of law. Ohio Rev. Code § 9.39; *Cordray v. Internatl. Preparatory School*, 128 Ohio St.3d 50 (2010). Ms. Stewart reported to the former Village Mayor, Bryan Shank, who was responsible for supervising and overseeing Ms. Stewart’s Mayor’s Court Clerk duties.

In accordance with the foregoing facts and pursuant to **Ohio Rev. Code § 117.28**, a finding for recovery for public monies collected but unaccounted for is hereby issued against Denessa Stewart, Bryan Shank and his bonding company, Ohio Plan Risk Management, Inc., jointly and severally, in the amount of \$32,292 and against Cathy Justis in the amount of \$465, both in favor of the Village’s Mayor’s Court Fund.



# OHIO AUDITOR OF STATE KEITH FABER



**VILLAGE OF POMEROY  
SPECIAL AUDIT**

**MEIGS COUNTY**

**AUDITOR OF STATE OF OHIO CERTIFICATION**

This is a true and correct copy of the report, which is required to be filed pursuant to Section 117.26, Revised Code, and which is filed in the Office of the Ohio Auditor of State in Columbus, Ohio.



**Certified for Release 8/17/2023**

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This report is a matter of public record and is available online at  
[www.ohioauditor.gov](http://www.ohioauditor.gov)